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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,733	06/28/2000	Yasuaki Yamagishi	SUGI-T0732	6349

7590 11/12/2003  
Charles P. Sammut, Esq.  
Limbach & Limbach L.L.P.  
2001 Ferry Building  
San Francisco, CA 94111-4262

EXAMINER

PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4



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**Office Action Summary**

Application No.

09/605,733

Applicant(s)

YAMAGISHI ET AL.

Examiner

Khanh B. Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it contains legal term often used in patent claim: "**comprises**" and "**means**". Correction is required. See MPEP § 608.01(b).
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Drawings***

6. The drawings are objected to because of the following minor informality:

In Fig. 10D, the expression **(2.C, +C)** should have read **(2.C, +c)** because the added entry **c** is a leaf node.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-7 are rejected under 35 U.S.C. 102(e)** as being anticipated by Prasad et al. (US 5,956,718), hereinafter referred to as "Prasad".

**As per claims 1, 3**, Prasad teaches a transmitting method and apparatus for transmitting a hierarchical structure of a directory for hierarchically managing locations of contents data, comprising:

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- “managing means for managing a hierarchical structure of a directory composed of a container entry and a leaf entry, a container entry containing information in the immediately lower hierarchical level thereof, a leaf entry being disposed in the immediately lower hierarchical level of a container entry, a leaf entry not containing information in the immediately lower hierarchical level thereof” at Col. 2 lines 15-40 and Col. 4 lines 53-67;
- “detecting means for detecting a change of the hierarchical structure of the directory managed by said managing means” at Col. 6 lines 20-30;
- “and obtaining position information and identification information corresponding to the detected result, the position information representing the position of a container entry in the hierarchical structure of the directory, the identification information identifying a leaf entry corresponding to the hierarchical structure of the directory” at Col. 6 lines 1-20;
- “and transmitting means for transmitting the position information and the identification information” at Col. 6 lines 60-65, Col. 15 lines 5-25.

**As per claim 2**, Prasad teaches the transmitting apparatus as set forth in claim 1, wherein “said detecting means obtains difference information representing a change of the leaf entries corresponding to the detected result of a change of the hierarchical structure of the directory, and wherein said transmitting means transmits the difference information along with the identification information” at Col. 5 line 25 to Col. 6 line 60.

**As per claims 4,5**, Prasad teaches a receiving apparatus for receiving a hierarchical structure of a directory for hierarchically managing the locations of contents data that are transmitted, comprising:

- “receiving means for receiving position information and identification information, the position information being obtained by detecting a change of container entries, the position information representing the position of a container entry in the hierarchical structure of the directory, the identification information identifying a leaf entry corresponding to the hierarchical structure of the directory” at Col. 5 line 25 to Col. 6 line 60;
- “the directory being composed of container entries and leaf entries, a container entry containing information in the immediately lower hierarchical level thereof, a leaf entry not containing information in the immediately lower hierarchical level thereof” at Col. 4 lines 53-67;
- “obtaining means for selectively obtaining the identification information of a leaf entry in the immediately lower hierarchical level of a container entry represented by the position information corresponding to selection information designated corresponding to the position information” at Col. 6 lines 5-20; and
- “managing means for managing the hierarchical structure of the directory formed with the position information corresponding to the selection information and with the identification information that is selectively obtained” at Col. 2 lines 15-40 and Col. 6 lines 50-60.

**As per claims 6, 7**, Prasad teaches a transmitting and receiving system for transmitting a hierarchical structure of a directory for hierarchically managing locations of contents data and receiving the transmitted hierarchical structure, comprising:

- “first managing means for managing a hierarchical structure of a directory composed of a container entry and a leaf entry, a container entry containing information in the immediately lower hierarchical level thereof, a leaf entry being disposed in the immediately lower hierarchical level of a container entry, a leaf entry not containing information in the immediately lower hierarchical level thereof” at Col. 2 lines 15-40 and Col. 4 lines 50-67.
- “detecting means for detecting a change of the hierarchical structure of the directory managed by said first managing means and obtaining position information, identification information, and difference information corresponding to the detected result, the position information representing the position of a container entry in the hierarchical structure of the directory, the identification information identifying a leaf entry corresponding to the hierarchical structure of the directory, the difference information representing the difference of leaf entries” at Col. 5 line 25 to Col. 6 line 60;
- “transmitting means for transmitting the position information, the identification information, and the difference information” at Col. 6 lines 30-65, Col. 14 lines 45-55 and Fig. 10;



- “receiving means for receiving the position information, the identification information, and the difference information transmitted by said transmitting means” at Col. 6 lines 30-65, Col. 14 lines 45-55 and Fig. 10;
- “obtaining means for selectively obtaining the identification information of a leaf entry in the immediately lower hierarchical level of a container entry represented by the position information corresponding to selection information designated corresponding to the position information” at Col. 15 lines 5-20;
- “second managing means for managing the hierarchical structure of the directory formed with the position information corresponding to the selection information and with the identification information that is selectively obtained” at Col.15 lines 10-25.

### ***Conclusion***

9. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-7299. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

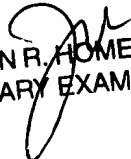
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7240.

Khanh B. Pham  
Examiner  
Art Unit 2177

KBP  
September 22, 2003

  
JEAN R. HOMERE  
PRIMARY EXAMINER